

RESOLUTION NO. 2020-3860

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, CALLING A SPECIAL ELECTION ON TUESDAY, AUGUST 18, 2020; ESTABLISHING A QUALIFYING PERIOD; PROVIDING FOR THE CONDUCT OF THE ELECTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a vacancy has been created on the City of Miami Springs (the “City”) Council due to the resignation of Vice Mayor Mara Zapata (Group III) effective Friday, May 29, 2020; and

WHEREAS, Section 3.07 of the City Charter provides the method of filling a vacancy; and

WHEREAS, as of Friday, May 29, 2020, there will be more than 120 days remaining in Vice Mayor Zapata’s unexpired term of office and no regular City election is scheduled within 120 days; and

WHEREAS, accordingly, pursuant to Section 3.07(3)(b) of the City Charter, a Special Election is required to elect a successor Councilmember to serve the remaining term of Vice Mayor Zapata’s term of office; and

WHEREAS, Section 100.151, Florida Statutes, requires the governing authority of a municipality to obtain approval from the Supervisor of Elections in the County in which the municipality is located for the date of any scheduled special election; and

WHEREAS, in coordination with the Miami-Dade County Supervisor of Elections, the City Council wishes to call a Special Election on Tuesday, August 18, 2020; and

WHEREAS, the City Council wishes to establish the qualifying dates for the Special Election pursuant to Section 3.04(3) of the City Charter; and

WHEREAS, the City Clerk, as provided in Sections 3.03 and 8.02 of the City Charter, as the City’s Supervisor of Elections is charged with the responsibilities of preparing the ballot and conducting all City elections; and

WHEREAS, all City elections are conducted in accordance with Section 11.01 of the City Code of Ordinances (“Code”), which provides that “All general and special elections held in the City shall be held and conducted in accordance with the provisions of state law as nearly as practicable where state law is applicable to municipalities by reasonable construction, except as

provided by the City charter, this chapter, or other ordinance of the City. The City Council shall perform all acts in relation to such general and special election which by the state law is made the duty of the county commissioner”; and

WHEREAS, on March 9, 2020, a State of Emergency was declared Florida Governor Ron DeSantis by Executive Order No. 2020-52, due to the risks posed by the novel coronavirus disease 2019 (“COVID-19”), a severe acute respiratory illness that can spread among humans through respiratory transmission and presents symptoms similar to those of influenza; and

WHEREAS, Executive Order No. 2020-52 and other orders and guidance limit person-to-person contact in various ways to prevent the spread of the virus, which makes it more difficult for candidates to collect and submit the necessary items to qualify for ballot placement; and

WHEREAS, on April 2, 2020, due to COVID-19, the Florida Department of State Division of Elections promulgated Emergency Rules 1SER20-1 and 1SER20-2 to remove the requirement that qualifying items be “original[s] and signatures thereon...be made in ink” so that these items can be collected, notarized, and submitted with limited person-to-person contact, to revise notary statements on required forms accordingly, and to remove the requirement that the voter’s signature on a candidate petition be an “original, ink signature” so that signed petitions can be collected without person-to-person contact; and

WHEREAS, Section 3.04 of the City Charter provides the process for nominations for office of Mayor and/or Councilmember and requires that signatures on the nominating petition be executed in ink or indelible pencil, and that the signature of the circulator of the petition, including the place of his residence shall be notarized in the manner provided by law; and

WHEREAS, in light of the state of emergency and risks posed by COVID-19, the City Council desires to provide an alternative to the Charter requirement that the nominating petition be executed in ink or indelible pencil and authorize voter signatures by original signature or image of the voter’s original signature that can be utilized by the Supervisor of Elections to compare and verify the signature of the voter on record, thereby allowing the nominating petition to be collected, notarized, and submitted with limited person-to-person contact and authorize that notary statements on required forms be revised accordingly; and

WHEREAS, the City Council further desires to authorize the submission of candidate qualifying documents, except for qualifying fees, through PDF via e-mail to limit person-to-person contact in light of COVID-19; and

WHEREAS, the City Council finds that this Resolution is in the best interest of the City and that it is necessary and appropriate to conduct a Special Election to fill the vacancy on the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. That each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Calling a Special Election. That a Special Election is hereby called for Tuesday, August 18, 2020 for the purpose of electing a person to the City Council to fill the vacancy created by the resignation of Vice Mayor Mara Zapata (Group III), and to serve the remaining portion of the unexpired term of Vice Mayor Mara Zapata.

Section 3. Qualifying. That it shall be the duty of any person desiring to become a candidate for election to the office of the City Council for the Council seat vacancy sought to be filled by this Special Election to file a nominating petition as required by Section 3.04 of the City Charter and a written notice of candidacy with the City Clerk during the qualifying period (the “Qualifying Period”) commencing at 8:30 a.m. on Monday, June 8, 2020, and expiring at 4:00 p.m. on Thursday, June 11, 2020, accompanied by the qualification fee required by Section 3.04 of the City Charter and the additional election assessment (if any) imposed by Florida Statutes. Only qualified electors of the City who have resided continuously in the City for at least six (6) months preceding the date of such filing shall be eligible to hold the office of Councilmember, as provided by Section 3.04 of the City Charter. The place of qualification shall be the Office of the City Clerk which is temporarily located at Miami Springs Community Center, 1401 Westward Drive, Miami Springs, Florida 33166, and the hours of qualifying during the Qualifying Period shall be from 8:30 a.m. to 4:00 p.m. during each day of the Qualifying Period, excluding Saturday and Sunday. Due to the current state of emergency and the guidance limiting person-to-person contact to prevent the spread of the COVID-19 virus, in lieu of submitting qualifying documents in person or via U.S. Mail or delivery service, candidates may submit their qualifying documents in PDF format at cityclerk@miamisprings-fl.gov. Any qualifying fee cannot be submitted by email and must be submitted by U.S. Mail or delivery service to the Office of the City Clerk which is temporarily located at Miami Springs Community Center, 1401 Westward Drive, Miami Springs, Florida 33166. In addition, due to the current state of emergency and the guidance limiting person-to-person contact to prevent the spread of the COVID-19 virus, the

City Council desires to provide an alternative to the requirement set forth in Section 3.04 of the City Charter that signatures on the nominating petition be executed in ink or indelible pencil by authorizing voter signatures by original signature or image of the voter's original signature that can be utilized by the Supervisor of Elections to compare and verify the signature of the voter on record, thereby allowing the nominating petition to be collected, notarized, and submitted with limited person-to-person contact and by authorizing that notary statements on required forms be revised accordingly. The Supervisor of Elections shall not verify as valid a signature on a candidate petition form unless all of the following information is contained on the petition form: 1. The voter's name; 2. The voter's address (including city and county); 3. The voter's complete voter registration number or date of birth (to include the month, day, and year) that matches the date of birth on the voter's registration application; 4. The voter's original signature or image of voter's original signature that can be utilized by the Supervisor of Elections to compare and verify the signature of the voter on record; and, 5. The date the voter signed the petition (to include the month, day, and year) as recorded by the voter.

Section 4. Election Procedure. That the Special Election shall be held and conducted in the manner prescribed by law for holding elections. Places of voting in such Special Election shall be the designated places of voting within the City for general elections, unless otherwise provided by the City Council or the Miami-Dade County Supervisor of Elections. The polls shall be open at such voting places on the date of such Special Election from 7:00 a.m. to 7:00 p.m. on said day. All qualified electors residing within the City shall be entitled, qualified and permitted to vote at such Special Election.

Section 5. Registration Books. That the registration books of the City, under the supervision of the Miami-Dade County Supervisor of Elections, shall be closed for a period of twenty-nine (29) days before said Special Election and shall remain closed subsequent to the Special Election as provided by law.

Section 6. City Clerk. That the City Clerk, acting as the local supervisor of elections, is hereby authorized and directed to file and cause to be published a notice of election as provided by law, and to take all other action necessary for the designation of election inspectors and clerks, printing and delivery of ballots and other actions. The City Clerk is further authorized and directed to make appropriate arrangements with the Miami-Dade County Supervisor of Elections for the use of the necessary voting machines and for the preparation,

printing and delivery of the official ballots for use in said voting machines and any additional service necessary for the conduct of the election.

Section 7. **Notice of Election.** That the notice of said election shall be published in accordance with Section 100.342, Florida Statutes, in a newspaper of general circulation within the City at least thirty (30) days prior to said election, the first publication to be in the fifth week prior to the election, and the second publication to be in the third week prior to the election, and shall be accomplished by publication in substantially the following form:

CITY OF MIAMI SPRINGS
NOTICE OF SPECIAL ELECTION

All interested persons are hereby advised that the City Council of the City of Miami Springs, Florida (the “City”) has called a Special Election to be held in the City on Tuesday, August 18, 2020, for the election of a Councilmember to fill a vacancy in the Council. The polls will open from 7:00 a.m. to 7:00 p.m. on the date of the election.

A copy of the Resolution calling the Special Election is available for inspection at the Office of the City Clerk which is temporarily located at Miami Springs Community Center, 1401 Westward Drive, Miami Springs, Florida 33166 during regular business hours.

Section 8. **Test of Equipment.** That pursuant to Section 101.5612, Florida Statutes, a logic and accuracy test will be conducted on the automatic tabulating equipment to be used in this Special Election as determined by the Miami-Dade County Supervisor of Elections.

Section 9. **Effective Date.** That this Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Councilman Best who moved its adoption. The motion was seconded by Councilman Petralanda and upon being put to a vote, the vote was as follows:

Vice Mayor Mara Zapata	<u>YES</u>
Councilman Bob Best	<u>YES</u>
Councilwoman Maria Puente Mitchell	<u>YES</u>
Councilman Jaime Petralanda	<u>YES</u>
Mayor Billy Bain	<u>YES</u>

PASSED AND ADOPTED this 28th day of May, 2020.



BILLY BAIN
MAYOR

ATTEST:



ERIKA GONZALEZ-SANTAMARIA, MMC
CITY CLERK



APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:



WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
CITY ATTORNEY